

**Court of Appeal
Fourth District, Division 2
Riverside, California**

**Minutes
December 3, 2001**

In the matter of the admission of Attorneys to the practice of law.

The Court of Appeal, Fourth Appellate District, Division Two, met in special session at 10:00 a.m., December 3, 2001, at the Riverside Superior Court, Department 1, Historic Courthouse.

Court was called to order by Henry Espinoza, Assistant Clerk/Administrator of the Court.

Present were Presiding Justice Manuel A. Ramirez and Associate Justice F. Douglas McDaniel, Retired; Judge Virginia A. Phillips and Magistrate Judge Stephen G. Larson, U.S. District Court. Presiding Justice Ramirez made introductory comments and addressed the admittees and all present.

Presiding Justice Ramirez called upon Beverly Gassner, on behalf of the San Bernardino County Bar Association, and Dan E. Buchanan, President of the Riverside County Bar Association; each addressed the admittees briefly.

Presiding Justice Ramirez called upon Janet M. Green, on behalf of the State Bar Board of Governors and Beverly Gassner, on behalf of the Committee of Bar Examiners, who notified the Court a motion has been made before the California Supreme Court on behalf of the Committee. The Movant then orally certified to the Court that those present have passed the Bar Examination and otherwise fulfilled the requirements for admission to the practice of law in California.

Justice F. Douglas McDaniel introduced the following new admittees to those present:

John David Bassett, Jack Ivan Jmaev, Leslie Robin Leach, Jeffrey Lemasters Tahir, Doreatha Louise Miller, Milton Galileo Morales, Elio Palacios, Jr., Charles William Raymond, Laura Dixon Schmidt, Matthew Henry Seeger, Anthony Michael Snodgrass, Cecil Reginald Taylor, Melissa Lee Wilcox.

At the direction of Presiding Justice Ramirez, Deputy Clerk, Steven McElroy, read section 6068 of the Business and Professions Code (State Bar Act) having to do with the duties and obligations of an attorney.

Presiding Justice Ramirez administered the oath and congratulated the new admittees. Judge Virginia A. Phillips administered the oath and congratulated the new admittees to the U.S. District Court.

Presiding Justice Ramirez made the closing remarks and congratulated the new admittees.

The Court in special session was adjourned.

**Court of Appeal
Fourth District, Division 2
Riverside, California**

**Minutes
December 4, 2001**

Court convened at 9:00A

Panel 1

Present:

Ramirez, P.J.

Hollenhorst, J.

Ward, J.

Ann Dee Smith, Deputy Clerk

E027201 People v. Robert Coty Belisle

E029451 In re Robert Coty Belisle on Habeas Corpus

Merits. Cause called and David L. Polsky, Esq., argued for appellant; Quisteen S. Shum, Deputy Attorney General, argued for respondent. Cause submitted.

Court recessed.

Court reconvened.

Panel 1a

Present:

Ramirez, P.J.

Hollenhorst, J.

McKinster, J.

Ann Dee Smith, Deputy Clerk

E028135 People v. Walter Talbert

Counsel having waived oral argument in the above entitled cause, the calendar date heretofore set is vacated and cause is submitted.

E028439 People v. Ruben Guerena Verdugo

Merits. Cause called and Rebecca P. Jones, Esq., argued for appellant; Pat Zaharopoulos, Deputy Attorney General, argued for respondent. Cause submitted.

E028900 People v. Lonnie C. Hogan

Merits. Cause called and Michael R. Totaro, Esq., argued for appellant; Gary W. Brozio, Deputy Attorney General, argued for respondent. Cause submitted.

Court recessed.

Court reconvened at 1:30p.m.

Panel 2

Present:

Richli, Acting P.J.

Ward, J.

Gaut, J., not present

Madeline Mozee, Deputy Clerk

Parties have previously stipulated to proceed with a two member panel for oral argument only.

E028656 People v. Patrick L. Reece

Merits. Cause called and James R. Bostwick, Esq., argued for appellant; Lora Fox Martin, Deputy Attorney General, argued for respondent. Cause submitted.

E027271 People v. Franklin J. Wilson

Counsel having waived oral argument in the above entitled cause, the calendar date heretofore set is vacated and cause is submitted.

E027550 People v. Edward Glen Fry

Merits. Cause called and Stephen S. Buckley, Esq., argued for appellant; Arelene Aquintey Sevidal, Deputy Attorney General, argued for respondent. Cause submitted.

Court recessed.

Court reconvened.

Panel 2a

Present:

McKinster, Acting P.J.

Richli, J.

Ward, J.

Madeline Mozee, Deputy Clerk

E027436 People v. George Marre et al.

Merits. Cause called and David Philips, Esq., argued for appellant Marre; Joseph F. Walsh, Esq., argued for appellant Bastiaans; Martha L. McGill, Esq., argued for appellant Synder; Lora Fox Martn, Deputy Attorney General, argued for respondent. Cause submitted.

E026993 People v. Franz Gruninger

Counsel having waived oral argument in the above entitled cause, the calendar date heretofore set is vacated and cause is submitted.

E029464 Samuel Gray v. Superior Court; The People

Merits. Cause called and Pamala P. King, Esq., argued for petitioner; Mary L. Andonov, Deputy District Attorney, argued for real party in interest. Cause submitted.

E028046 People v. Yahya Dastmalchian

Merits. Cause called and Sally P. Brajevich, Esq., argued for appellant; Peter Quon Jr., Deputy Attorney General, argued for respondent. Cause submitted.

Court convened at 9:00A

E025239 Josephine Garcia et al. v. County of Riverside

E028602 Scottsdale Insurance Co. v. National Union Fire Insurance Co. et al.

**E029177 Indian Springs Mobilehome Park Homeowners' Association v. City
Palm Desert
et al.; Indian Springs , Ltd. et al.**

E029863 Koulis Gianakakos v. Michael Fidelis et al.

E029857 In re the Marriage of Nadine Balaban and Michael Balaban
Nadine Balaban v. Michael Balaban

Court recessed.

Court reconvened at 1:30P

Panel 4
 Present:
 Hollenhorst, Acting P.J.
 McKinster, J.
 Ward, J.
 Paula Garcia, Deputy Clerk

**E027349 Carol Ann Lindsay et al. v. City of Riverside
 Torina S. Wood et al. v. City of Riverside**

Merits. Cause called and Alexandra S. Ward, Esq., argued for appellants; Barry Wolf, Esq., argued for respondent. Cause submitted.

Court recessed.

Court reconvened.

Panel 4a
 Present:
 McKinster, Acting P.J.
 Ward, J.
 Paula Garcia, Deputy Clerk

Acting Presiding Justice McKinster announced that in the absence of objection, it would be deemed stipulated that Associate Justice Gaut might participate in the decision of any case on this calendar. There being no objections made by any counsel present, it was deemed so stipulated and so ordered.

E029028 Larry Rothman v. Butterfield Estates Homeowners' Association

Merits. Cause called and Gary DePerine, Esq., argued for appellant; Peter E. Racobs, Esq., argued for respondent. Cause submitted.

E029314 Tom Alsky v. City of Adelanto

Merits. Cause called and Harry C. Carpelan, Esq., argued for appellant; Michael Smith, Esq., argued for respondent. Cause submitted.

E029867 Douglas Ames v. Sheak & Korzun et al.

Merits. Cause called and Douglas A. Ames, Esq., argued for appellant; Lewis J. Ross, Esq., argued for respondents. Cause submitted.

Court adjourned.

**Court of Appeal
Fourth District, Division 2
Riverside, California**

**Minutes
December 6, 2001**

E028634 People v. Scotty Allen Weaver

Opinion

Judgment affirmed as modified.

McKinster, J.

We concur: Ramirez, P.J., Richli, J.

**Court of Appeal
Fourth District, Division 2
Riverside, California**

**Minutes
December 7, 2001**

E028135 People v. Walter Talbert

Opinion

Judgment convictions affirmed; remanded for resentencing.

Ramirez, P.J.

We concur: Hollenhorst, J., McKinster, J.

**Court of Appeal
Fourth District, Division 2
Riverside, California**

**Minutes
December 10, 2001**

E027201 People v. Robert Coty Belisle

Opinion

Judgment reversed.

E029451* In re Robert Coty Belisle on Habeas Corpus

Petition denied.

Ramirez, P.J.

We concur: Hollenhorst, J., Ward, J.

*To be considered with appeal.

E030310 Barry Floren v. Hughes Markets, Inc.

Opinion

Judgment affirmed in part and dismissed in part.

Richli, J.

We concur: Hollenhorst, Acting P.J., Gaut, J.

**E028145 In re Adrian R., a Person Coming Under the Juvenile Court Law.
People v. Adrian R.**

Opinion

Judgment affirmed.

Richli, J.

We concur: McKinster, Acting P.J., Gaut, J.

**Court of Appeal
Fourth District, Division 2
Riverside, California**

**Minutes
December 11, 2001**

E029544 People v. Daniel Forrest Madden

Opinion

Judgment affirmed.

McKinster, Acting P.J.

We concur: Richli, J., Ward, J.

**E029134 In re Sergio C., a Person Coming Under the Juvenile Court Law
People v. Sergio C.**

Opinion

Judgment affirmed.

Richli, J.

We concur: McKinster, Acting P.J., Gaut, J.

E028439 People v. Ruben Guerena Verdugo

Opinion

Judgment affirmed.

Ramirez, P.J.

We concur: Hollenhorst, J., McKinster, J.

**E029900 In re Christian Q., a Person Coming Under the Juvenile Court Law.
Department of Public Social Services v. Patricia Q.**

Opinion

Judgment affirmed.

McKinster, Acting P.J.

We concur: Richli, J., Gaut, J.

**Court of Appeal
Fourth District, Division 2
Riverside, California**

**Minutes
December 12, 2001**

E028908 People v. Edward Jerry Hernandez et al.

Opinion

Judgment affirmed.

Ward, J.

We concur: Hollenhorst, Acting P.J., Gaut, J.

E027550 People v. Edward Glen Fry

Opinion

Judgment affirmed with directions.

Ward, J.

We concur: Richli, Acting P.J., Gaut, J.

E028656 People v. Patrick Loran Reece

Opinion

Judgment affirmed as modified.

Richli, Acting P.J.

We concur: Ward, J., Gaut, J.

E026993 People v. Franz Gruninger

Opinion

Judgment affirmed.

E030212* In re Franz Gruninger on Habeas Corpus

Petition denied.

McKinster, Acting P.J.

We concur: Richli, J., Ward, J.

*CONSIDERED WITH APPEAL

E028473 People v. Glenn Ellwood Stacy

Opinion

Judgment affirmed.

Hollenhorst, Acting P.J.

We concur: Ward, J., Gaut, J.

**E029370 In re Jason J., a Person Coming Under the Juvenile Court law.
People v. Jason J.**

Opinion

Judgment affirmed.

Richli, J.

We concur: McKinster, Acting P.J., Gaut, J.

E029647 People v. Abraham Cardenas Toscano

Opinion

Judgment affirmed as modified.

Richli, J.

We concur: McKinster, Acting P.J., Gaut, J.

**Court of Appeal
Fourth District, Division 2
Riverside, California**

**Minutes
December 13, 2001**

E029314 Tom Alsky v. City of Adelanto

Opinion

Judgment affirmed.

Gaut, J.

We concur: McKinster, Acting P.J., Ward, J.

**E029865 In re Patrick C., a Person Coming Under the Juvenile Court Law.
Department of Public Social Services v. Kathy C.**

Opinion

Judgment affirmed.

Gaut, J.

We concur: Hollenhorst, Acting P.J., Ward, J.

E027271 People v. Franklin Jasper Wilson

Opinion

Judgment affirmed in part, reversed in part with directions.

Gaut, J.

We concur: Richli, Acting P.J., Ward, J.

**E029160 In re Derick J., a Person Coming Under the Juvenile Court Law
People v. Derick J.**

Opinion

Judgment affirmed.

Gaut, J.

We concur: Hollenhorst, Acting P.J., Ward, J.

**E029387 In re Jessica P., a Person Coming Under the Juvenile Court Law;
Department of Public Social Services v. Valentina J.**

Opinion

Judgment affirmed.

McKinster, Acting P.J.

We concur: Richli, J., Gaut, J.

E029867 Douglas Ames v. J. Charles Sheak et al.

Opinion

Judgment affirmed.

Ward, J.

We concur: McKinster, Acting P.J., Gaut, J.

E029577 People v. Gary Dutch Holland

Opinion

Judgment affirmed as modified.

Richli, J.

We concur: McKinster, Acting P.J., Gaut, J.

**Court of Appeal
Fourth District, Division 2
Riverside, California**

**Minutes
December 14, 2001**

E025239 Josephine Garcia et al. v. County of Riverside

Opinion

Appeal dismissed.

Richli, J.

We concur: Ramirez, P.J., Hollenhorst, J.

**E029939 In re Shella P., a Person Coming Under the Juvenile Court Law.
Department of Children's Services v. Joseph P.**

Opinion

Judgment affirmed.

Hollenhorst, Acting P.J.

We concur: Ward, J., Gaut, J.

**E029709 In re Brittney Y., a Person Coming Under the Juvenile Court Law.
Department of Children's Services v. Kathleen B.**

Opinion

Judgment affirmed.

Hollenhorst, Acting P.J.

We concur: Ward, J., Gaut, J.

**Court of Appeal
Fourth District, Division 2
Riverside, California**

**Minutes
December 17, 2001**

E028486 People v. Antonio Young

Opinion

Judgment affirmed.

Ramirez, P.J.

We concur: Hollenhorst, J., Ward, J.

E028466 People v. James Kirt Lauda

Opinion

Judgment affirmed and remanded for resentencing.

Hollenhorst, J.

We concur: Ramirez, P.J., Ward, J.

E028979 People v. Francisco Jose Romero

Opinion

Judgment affirmed.

Gaut, J.

We concur: Hollenhorst, Acting P.J., Ward, J.

E027672 People v. Norman Schoolcraft

Opinion

Judgment affirmed.

Hollenhorst, J.

We concur: Ramirez, P.J., Ward, J.

E029863 Koulis Gianakakos v. Michael Fidelis et al.

Opinion

Judgment dismissed in part and affirmed in part.

Richli, J.

We concur: Ramirez, P.J., Hollenhorst, J.

**Court of Appeal
Fourth District, Division 2
Riverside, California**

**Minutes
December 18, 2001**

E028966 People v. Eugene Marthe

Opinion

Judgment affirmed with directions.

Hollenhorst, J.

We concur: Ramirez, P.J., Ward, J.

**E030135 In re Rosalinda G. et al. Persons Coming Under the Juvenile Court
Law.**

Department of Children's Services v. Olga F.

Opinion

Judgment affirmed.

McKinster, J.

We concur: Hollenhorst, Acting P.J., Ward, J.

E029659 People v. Lloyd Richard Cooper

Opinion

Judgment affirmed.

Hollenhorst, J.

We concur: Ramirez, P.J., Ward, J.

**E029672 In re Natalie M., a Person Coming Under the Juvenile Court Law.
Department of Public Social Services v. Sophia M.**

Opinion

Judgment affirmed.

Ward, J.

We concur: Hollenhorst, Acting P.J., Gaut, J.

E028881 People v. Miguel Alberto Dominguez

Opinion

Judgment affirmed.

Hollenhorst, J.

We concur: Ramirez, P.J., Ward, J.

**Court of Appeal
Fourth District, Division 2
Riverside, California**

**Minutes
December 19, 2001**

**E029833 In re the Marriage of Sandra and Gail Snyder.
Sandra Snyder v. Gail Lamont Snyder**

Opinion

Judgment affirmed.

Gaut, J.

I concur: Hollenhorst, J.

I concur by opinion: Ramirez, P.J.

E028615 People v. Joseph John Martinez, Jr.

Opinion

Judgment affirmed with directions.

Ramirez, P.J.

We concur: Hollenhorst, Acting P.J., Ward, J.

**E029028 Larry Rothman v. Butterfield Estates Homeowners'
Association**

Opinion

Judgment affirmed.

Gaut, J.

We concur: McKinster, Acting P.J., Ward, J.

**E029177 Indian Springs Mobilehome Park Homeowners Association et al.
v. City of Palm Desert et al; Indian Springs Ltd. et al.**

Opinion

Judgment affirmed.

Richli, J.

We concur: Ramirez, P.J., Hollenhorst, J.

**Court of Appeal
Fourth District, Division 2
Riverside, California**

**Minutes
December 20, 2001**

E029193 People v. David Hugh McVay

Opinion

Appeal dismissed.

Ramirez, P.J.

We concur: Hollenhorst, J., Ward, J.

E026961* Desert Healthcare District v. Pacificare, FHP, Inc.

No change in judgment.

Ramirez, P.J.

We concur: McKinster, J., Ward, J.

*CERTIFIED FOR PUBLICATION

Modification of Opinion

**Court of Appeal
Fourth District, Division 2
Riverside, California**

**Minutes
December 21, 2001**

**E029961 In re Juanita C., a Person Coming Under the Juvenile Court Law.
Department of Children's Services v. Juanita C.**

Opinion

Judgment affirmed.

Ward, J.

We concur: Hollenhorst, Acting P.J., Gaut, J.

E030311 Steven N. Barnard et al. v. Robert W. Howard et al.

Opinion

Judgment affirmed in part, reversed in part.

Gaut, J.

We concur: Ramirez, P.J., Hollenhorst, J.

**E027349 Carol Ann Lindsay et al. v. City of Riverside
Torina S. Wood et al. v. City of Riverside**

Opinion

Judgment Reversed with directions.

Ward, J.

We concur: Hollenhorst, Acting P.J., McKinster, J.

**Court of Appeal
Fourth District, Division 2
Riverside, California**

**Minutes
December 24, 2001**

**E029217 In re Fernando V., a Person coming Under the Juvenile Court Law;
People v. Fernando V.**

Opinion

Judgment affirmed.

Richli, J.

We concur: McKinster, Acting P.J., Gaut, J.

E027436 People v. Patrick Jordan Bastiaans et al.

Opinion

Judgment affirmed.

Richli, J.

We concur: McKinster, Acting P.J., Ward, J.

E028474 People v. Michael Ornelas

Opinion

Judgment affirmed.

Gaut, J.

We concur: McKinster, Acting P.J., Richli, J.

E028022 People v. Steven Wayne Rysavy

Opinion

Judgment affirmed.

Gaut, J.

We concur: McKinster, Acting P.J., Richli, J.

**Court of Appeal
Fourth District, Division 2
Riverside, California**

**Minutes
December 25, 2001**

Holiday.

**Court of Appeal
Fourth District, Division 2
Riverside, California**

**Minutes
December 26, 2001**

No minutes for December 26, 2001.

**Court of Appeal
Fourth District, Division 2
Riverside, California**

Minutes

December 27, 2001

**E028179 In re Terrell M., a Person Coming Under the Juvenile Court Law.
People v. Terrell M. Resubmission
Order**

On court's own motion submission is vacated and the cause is resubmitted this date.

Ward, J.

We concur: Ramirez, P.J., Hollenhorst, J.

**E029229 In re Earnest R., a Person Coming Under the Juvenile Court Law.
People v. Earnest R.**

Opinion

Judgment affirmed.

Richli, J.

We concur: McKinster, Acting P.J., Gaut, J.

**E029589 In re Angela S., a Person Coming Under the Juvenile Court Law.
Department of Public Social Services v. Michael S.,**

***E030567 In re Angela S. on Habeas Corpus**

Opinion

Judgment Reversed and remanded with directions.

Petition for writ of habeas corpus dismissed.

Richli, J.

We concur: McKinster, Acting P.J., Gaut, J.

*Petition considered with appeal

**E029411 In re Ronnie H., a Person Coming Under the Juvenile Court Law.
People v. Ronnie H.**

Opinion

Judgment affirmed.

Richli, J.

We concur: McKinster, Acting P.J., Gaut, J.

E029835 People v. Ryland Delande Adams

Opinion

Judgment affirmed with directions.

Richli, J.

We concur: McKinster, Acting P.J., Gaut, J.

E029415 People v. Victor Eugene Goodridge

Opinion

Judgment affirmed.

Richli, J.

We concur: McKinster, Acting P.J., Gaut, J.

E029465 Marten Transport Ltd. v. Rafael Espinoza et al.

Opinion

Judgment affirmed.

Ward, J.

We concur: McKinster, Acting P.J., Richli, J.

E029861 In re the Marriage of Judith C. and Robert C. Cross.

Judith C. Cross v. Robert C. Cross

Opinion

Judgment affirmed.

Ward, J.

We concur: McKinster, Acting P.J., Richli, J.

*CERTIFIED FOR PARTIAL PUBLICATION

**Court of Appeal
Fourth District, Division 2
Riverside, California**

**Minutes
December 28, 2001**

E028961 Terry Blankenbaker et al. v. State of California

Opinion

Judgment dismissed.

McKinster, Acting P.J.

We concur: Ward, J., Gaut, J.

**E029484 In re Jesus D., a Person Coming Under the Juvenile Court Law.
People v. Jesus D.**

Opinion

Judgment affirmed.

Richli, J.

We concur: McKinster, Acting P.J., Gaut, J.

**E028812 In re Steven R., a Person Coming Under the Juvenile Court Law.
People v. Steven R.**

Opinion

Judgment affirmed.

Richli, J.

We concur: McKinster, Acting P.J., Gaut, J.

**E029954 In re Brian Q., a Person Coming Under the Juvenile Court Law.
People v. Brian Q.**

Opinion

Judgment affirmed.

Richli, J.

We concur: McKinster, Acting P.J., Gaut, J.

E028742 People v. Gabriel Mendoza

Opinion

Judgment affirmed with directions.

Ramirez, P.J.

We concur: Richli, J., Ward, J.

E029473 Araceli Ochoa v. Laurel Convalescent Hospital et al.

Opinion

Judgment affirmed.

Richli, J.

We concur: McKinster, Acting P.J., Ward, J.

335

E027603 Tracy Watson v. County of Riverside et al.

Opinion

Judgment affirmed.

Ramirez, P.J.

We concur: Richli, J., Gaut, J.

E028547 Marc Stolar v. Southern California Permanente Medical Group et al.,

Judgment affirmed.

Opinion

Ramirez, P.J.

We concur: McKinster, J., Ward, J.

E027407 Mary Norton et al. v. Morningside Community Association

Judgment reversed and remanded with directions.

Opinion

Richli, J.

I concur: McKinster, Acting P.J.

I dissent: Ward, J.

E028100 People v. Omar Mendez et al.

Opinion

Judgment affirmed.

Ramirez, P.J.

We concur: Richli, J., Ward, J.

E029570 People v. Daniel John Cota

Opinion

Judgment affirmed.

Richli, J.

We concur: McKinster, Acting P.J., Gaut, J.

E028046 People v. Yahya Seyed Dastmalchian

Opinion

Judgment affirmed with directions.

Ward, J.

We concur: McKinster, Acting P.J., Richli, J.

**E029018 In re Cody S. et al., Persons Coming Under the Juvenile Court Law.
Department of Public Social Services**

Opinion

Judgment affirmed.

Ward, J.

We concur: Ramirez, P.J., Richli, J.

**E029486 In re John S., a Person Coming Under the Juvenile Court Law.
People v. John S.**

Opinion

Judgment affirmed.

Richli, J.

We concur: McKinster, Acting P.J., Gaut, J.

336

E029857 In re the Marriage of Nadine Levin and Michael Balaban;

Nadine Levin Balaban v. Michael Balaban; Michelle West

Judgment affirmed.

Opinion

Ramirez, P.J.

We concur: Hollenhorst, J., Richli, J.

**E029550 In re Lonal M., a Person Coming Under the Juvenile Court Law.
People v. Lonal M.**

Opinion

Judgment affirmed.

McKinster, Acting P.J.

We concur: Richli, J., Ward, J.

**E029843 Tristan Ellsworth et al., Minors, etc. v. County of Orange et al.
Appellant's petition for rehearing denied.**

**E028785 People v. Ricardo Leal Rodriguez
Appellant's petition for rehearing denied.**

E029559 In re Angelica V. a Person Coming Under the Juvenile Court Law.

Department of Public Social Services v. Manuel V. et al.

Opinion

Judgment affirmed.

Richli, J.

We concur: McKinster, Acting P.J., Gaut, J.

E028891 People v. Frank Andrew Rust, Jr.

Opinion

Judgment affirmed.

Ramirez, P.J.

We concur: Richli, J., Ward, J.

**Court of Appeal
Fourth District, Division 2
Riverside, California**

**Minutes
December 31, 2001**

E029342 People v. Tony T. Rogers

Opinion

Judgment affirmed.

Ramirez, P.J.

We concur: Richli, J., Ward, J.